

REMARKS

The following remarks are responsive to the Office action mailed August 5, 2003.

Claims 44-47, 50-65, 67-69 and 72-85 are amended, claims 48, 49, 70, and 71 are canceled and claims 86 and 87 are added by this Amendment. Claims 44-47, 50-65, 66-69 and 72-87 will be pending upon entry of this amendment.

The amendments to claims 45-47, 50-65, 67-69, and 72-85 are being made solely to improve the technical format of the claims and not for reasons related to patentability.

I. Objections to the Drawings

Applicants have amended the drawings herein to comply with the changes suggested in the Office action.

Fig. 1 has been amended to add a dashed lead line to reference numerals 3, 6, 7, 8 and 17 to denote corresponding underlying structures.

Fig. 2 has been amended to add reference numeral 13 to refer to the adhesive layer shown between the outer surface of the absorbent body and the inner surface of the chassis.

Fig. 3 has been amended to indicate that it illustrates a prior art absorbent article. A dashed line has been added to reference numerals 6, 8 and 17 to denote corresponding underlying structure. Reference numeral 1 has been changed to 100 to denote the prior art article generally.

Fig. 4 has been amended to indicate that it illustrates a prior art absorbent article. Reference numeral 1 has been changed to 100 to denote the prior art article generally.

The drawings have been objected to under 37 CFR 1.83(a) for not showing every feature of the invention as specified in claims 46-49 and 67-71. Applicants submit that the features of

claims 46, 47 and 67-69 are adequately shown in the drawings. Claims 43, 49, 70, and 71 are cancelled by this amendment.

Claims 46 and 67 are generally directed to the feature of the present invention wherein the absorbent body is affixed to the stretchable multilayer chassis in at least one of a lateral attachment pattern and a longitudinal attachment pattern. As stated above, Fig. 2 has been revised to more clearly indicate the position of the adhesive layer 13 that, in one embodiment, attaches the absorbent body to the chassis of the article. The adhesive layer 13 is shown to extend in the cross-machine direction (i.e., lateral direction) to affix the absorbent body to the chassis via an attachment pattern corresponding with the adhesive layer. Accordingly, the requirements of claims 46 and 67 reciting that the body be affixed to the chassis in at least one of a lateral attachment pattern and a longitudinal attachment pattern are believed to be shown in the drawings.

Claims 47 and 69 have been amended to recite that about 25% to about 95% of the surface area of the outer surface of the absorbent body is affixed to the chassis. As shown in Fig. 2, the inner surface 9 of the absorbent body 4 is illustrated as being attached to the inner surface 11 of the chassis liner 10. The amount of surface area of the absorbent body 4 that is affixed to the chassis liner 10 is equal to the area that is in contact with adhesive 13. As shown in Fig. 2, the amount of surface area of the absorbent body 4 that is affixed to the chassis is within the claimed range of about 25% to 95% of the total surface area of the absorbent body. Accordingly, the drawings are submitted to adequately show the features of these claims.

Claim 68 recites that the absorbent body has an outer surface and that the absorbent body is affixed along at least a

portion of its outer surface to the chassis liner. As shown in Fig. 2, the outer surface 9 of the absorbent body 4 is affixed to the chassis liner 10 by adhesive 13. Accordingly, the features of claim 68 are submitted to be adequately shown.

II. Objection to the Specification

Applicants have amended the specification in accordance with the technical objections raised in the Office action. Specifically, the Abstract of the Disclosure has been amended to remove language that can be inferred as claim language. Also, the specification has been amended throughout to remove the trademark registration symbol so that all trademarks referred to in the application are indicated by capital letters only.

In response to the questions listed in paragraph seven of the Office action, applicants note that Fig. 2 has been amended to add reference numeral 13 to refer to the adhesive layer shown between the inner surface of the absorbent body and the inner surface of the chassis. Applicants have not amended the Summary of the Invention section to be commensurate with the claim language as suggested by the Examiner. Rather, applicants agree to amend this portion of the specification after issuance of a notice of allowance indicating the final form of the claims deemed allowable by the Office. The description of Figure 3 on page 3 of the application has been corrected as suggested by the Examiner. The typographical errors on page 2, line 11 and page 11, line 16 have been corrected as suggested by the Examiner.

With exception to the Summary of Invention section of the specification as stated above, applicants submit that the specification is in proper form for allowance.

III. Response to Claim Objections

All dependent claims (except those canceled herein) have been amended per the Examiner's objection so that the dependent claims now begin with "The" instead of "A."

IV. Response to Rejection of the Claims

Applicants respectfully request reconsideration of the rejection of claims 44-58, 60-79, and 81-85 under 35 U.S.C 103(a) as being unpatentable over U.S. Patent No. 6,149,638 (Vogt et al.).

Claim 44

The present invention is directed to a disposable absorbent article having enhanced stretch capabilities and being relatively inexpensive and easy to manufacture while maintaining comfort, fit and fluid containment qualities that are desirable of absorbent article construction.

In particular, claim 44 as amended herein recites a disposable absorbent article comprising:

a stretchable multilayer chassis having a longitudinal axis, a lateral axis, an inner surface, an outer surface and a width; said chassis being stretchable at least laterally; and

an absorbent body having an inner surface, an outer surface and **a width that is less than the width of the chassis**, said absorbent body being affixed along at least a portion of its outer surface to the inner surface of said chassis whereby **the inner surface of the absorbent body lies against a wearer of the article during use**, said

chassis being stretchable about the wearer independent of the absorbent body.

Claim 44 as now presented is submitted to be nonobvious and patentable over the references of record, and in particular Vogt et al., in that whether considered alone or in combination the references fail to show or suggest a disposable absorbent article comprising an absorbent body having a width less than a width of the chassis and being affixed along at least a portion of its outer surface to the inner surface of the chassis, whereby the inner surface of the absorbent body lies against a wearer of the article during use.

Vogt et al. disclose an absorbent article 8 having a bodyside liner 24 and extensible outer cover 26. An absorbent pad 38 is disposed between the bodyside liner 24 and the outer cover 26. Absorbent pad 38 includes a first folded layer 40 and a second folded barrier layer 42 surrounding an absorbent core 44. The article 8 also has a surge management layer 78 with a first surface 80 and a second surface 82. The first surface 80 of the surge management layer 78 is disposed in surface to surface relationship with the second surface 54 of the second folded layer 42 of the absorbent pad 38. Adhesive 84 secures bodyside liner 24 to the second surface 82 of the surge layer 78.

As shown in the drawings and described at col. 6, ll. 37-45 of Vogt et al., the bodyside liner 24 and outer cover 24 are generally coextensive and have length and width dimensions larger than the dimensions of the absorbent pad 38. Further, the bodyside liner 24 is generally superimposed over the entirety of the surface of the outer cover 26 defining the periphery of the absorbent article. As a result, only the bodyside liner 24 of the article disclosed in Vogt et al. lies

against the wearer of the article during use, i.e., neither the pad 38 nor the surge management layer 78 can lie against the wearer.

Accordingly, Vogt et al. fail to show or suggest an absorbent body having a width less than a width of the chassis and being affixed along at least a portion of its outer surface to the inner surface of the chassis so that the inner surface of the absorbent body lies against the wearer during use. In contrast, the absorbent body recited in amended claim 44 is uncovered so that it lies against the wearer during use.

Applicants respectfully disagree with the Office action's characterization of the bodyside liner 24 and core 44 of Vogt et al. as together comprising the absorbent body recited in claim 44 of the present application. In any event, adopting such a characterization solely for the sake of argument, the bodyside line 24 of Vogt et al. extends laterally to the side edges of the article in superposed relationship with the entire outer cover. Consequently, based on such a characterization, Vogt et al. would fail to show or suggest an absorbent body having a width that is less than the width of the chassis as recited in amended claim 44.

The other references of record similarly fail to show or suggest all of the features recited in amended claim 44.

For these reasons, claim 44 as amended herein is submitted to nonobvious and patentable over Vogt et al. and the other references of record.

Claims 45-47 and 50-65 depend directly or indirectly from claim 44 and are submitted to be patentable over Vogt et al. and the other references of record for the same reasons as claim 44.

Claim 66

Claim 66 is directed to a disposable absorbent article having a longitudinal axis and a lateral axis. The absorbent comprises:

- a stretchable multilayer chassis having an inner surface and an outer surface, said chassis comprising:

- a chassis liner defining the inner surface of the chassis and being stretchable at least laterally; and

- an outer cover secured to the chassis liner and defining the outer surface of the chassis, said outer cover being stretchable at least laterally;

- an absorbent body comprising:

- an absorbent core;

- a tissue wrapsheet wrapped about the absorbent core;

- and

- a surge management layer; and

- an absorbent body liner secured at least in part to the chassis liner, said absorbent body being disposed between the absorbent body liner and the chassis liner with the surge management layer disposed between the tissue wrapsheet and the absorbent body liner.

Claim 66 is submitted to be nonobvious and patentable over the references of record, and in particular Vogt et al., in that whether considered alone or in combination the references fail to show or suggest a disposable absorbent article having a multilayer chassis with a chassis liner defining the inner surface of the chassis, an outer cover secured to the chassis liner, and an absorbent body disposed between an absorbent body liner and the chassis liner with the absorbent body liner secured at least in part to the chassis liner.

As discussed previously, Vogt et al. disclose an absorbent article 8 having a bodyside liner 24 defining the inner surface of the article and an extensible outer cover 26 defining the outer surface of the article. An absorbent pad 38 is disposed between the bodyside liner 24 and the outer cover 26. Absorbent pad 38 includes a first folded layer 40 and a second folded barrier layer 42 surrounding an absorbent core 44. The article 8 has a surge management layer 78 with a first surface 80 and a second surface 82. The first surface 80 of the surge management layer 78 is disposed in surface to surface relationship with the second surface 54 of the second folded layer 42 of the absorbent pad 38. Adhesive 84 secures bodyside liner 24 to the second surface 82 of the surge layer 78.

Vogt et al. thus disclose an absorbent article in which the absorbent core 44 adheres directly to the liner. As such, Vogt et al. clearly fail to show or even suggest a chassis that comprises both an outer cover and a chassis liner secured to the inner surface of the outer cover and defining the inner surface of the chassis. More particularly, Vogt et al. fail to show or suggest **the chassis liner** recited in claim 66.

The Office action (at para. 10) characterizes the surge management layer 78, first folded layer 40, second folded layer 42 and absorbent core 44 as the absorbent body recited in claim 66 of the present application. However, the Office action fails to set forth its position as to how Vogt et al. disclose or suggest all of the elements recited in claim 66, and more particularly how Vogt et al. disclose both an outer cover and a chassis liner on the outer cover as recited in claim 66. Applicants submit that such a teaching is entirely absent from Vogt et al.

The other references of record also fail to show or suggest all of the features recited in claim 66.

For these reasons, claim 66 is submitted to be nonobvious and patentable over Vogt et al. and the other references of record.

Claims 67-69 and 72-85, depending directly or indirectly from claim 66, are submitted to be patentable over Vogt et al. and the other references of record for the same reasons as claim 66.

IV. New Claims

Claim 86

New Claim 86 is directed to a disposable absorbent article comprising:

a stretchable chassis having an inner surface and an outer surface; and

an absorbent body having an outer surface and an inner surface adapted for contiguous relationship with a wearer of the article, the absorbent body being affixed along at least a portion of its outer surface to the stretchable chassis, the absorbent body and the stretchable chassis being configured and arranged relative to each other for contiguous relationship of at least a portion of the inner surface of the stretchable chassis with the wearer of the article.

The essence of this new claim is that the absorbent body is configured and arranged (e.g., sized, positioned, oriented, etc) on the chassis so that at least a portion of the inner surface of the chassis extends outward beyond the side edges of the absorbent body. In this manner, when the article is worn, the portion of the inner surface of the chassis extending outward beyond the side edges of the absorbent body is contiguous with the wearer of the article.

No new matter is added by claim 86 as support for this claim may be found at least at the paragraph of the specification

beginning at page 12, line 26, the paragraph beginning at page 26, line 9, the paragraph beginning at page 26, line 15, the paragraph beginning at page 30, line 26 and the various drawings of the application.

New claim 86 is submitted to be patentable over the references of record, and in particular Vogt et al., in that whether considered alone or in combination the references fail to show or suggest a disposable absorbent article having an absorbent body affixed along at least a portion of its outer surface to the inner surface of a stretchable chassis whereby the absorbent body and chassis are configured and arranged relative to each other for contiguous relationship of both the absorbent body and at least a portion of the inner surface of the chassis with a wearer of the article.

Vogt et al. disclose an absorbent article 8 having a pad 38 positioned between the bodyside liner 24 and extensible outer cover 26. The bodyside liner 24 completely covers the pad 38 and is superposed over the entire outer cover 26. As such, Vogt et al. fail to disclose or otherwise suggest that both the pad 38 and a portion of the inner surface of the outer cover 26 are contiguous with a wearer of the article. Rather, only the bodyside liner 24 of the article of Vogt et al. is contiguous with a wearer of such an article.

The other references of record also fail to show or suggest all of the features of new claim 86.

For these reasons, new claim 86 is submitted to be patentable over the references of record.

New claim 87 depends directly from new claim 86 and is submitted to be patentable over the references of record for the same reasons as claim 86.

V. Conclusion

In view of the foregoing, consideration and allowance of claims 44-47, 50-69 and 72-87 as now presented is respectfully requested.

A check and fee transmittal in the amount of \$86.00 are enclosed for payment of the additional claims presented herein. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment to Deposit Account No. 19-1345 in the name of Senniger, Powers, Leavitt & Roedel.

Respectfully submitted,



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